

1       **Sec. 8. Awards for claims against the state.**-There are hereby  
2 appropriated for fiscal year 2005, from the fund as designated, in the  
3 amounts as specified, general revenue funds in the amount of

4 \$5,918,000, special revenue fund in the amount of \$150,000, state road  
5 funds in the amount of \$350,000, and federal funds in the amount of  
6 \$525,337 for payment of claims against the state.

1     **Sec. 9. Special revenue appropriations.**-There are hereby  
2 appropriated for expenditure during the fiscal year two thousand five  
3 appropriations made by general law from special revenue which are not  
4 paid into the state fund as general revenue under the provisions of  
5 section two, article two, chapter twelve of the code: *Provided, That*  
6 none of the money so appropriated by this section shall be available  
7 for expenditure except in compliance with and in conformity to the  
8 provisions of articles two and three, chapter twelve and article two,  
9 chapter five-a of the code, with due consideration to the digest of  
10 legislative intent of the budget bill prepared pursuant to article  
11 one, chapter four, unless the spending unit has filed with the  
12 director of the budget and the legislative auditor prior to the  
13 beginning of each fiscal year:

14     (a) An estimate of the amount and sources of all revenues accruing  
15 to such fund;

16     (b) A detailed expenditure schedule showing for what purposes the  
17 fund is to be expended.

1     **Sec. 10. State improvement fund appropriations.**-Bequests or  
2 donations of nonpublic funds, received by the governor on behalf of  
3 the state during the fiscal year two thousand five, for the purpose of  
4 making studies and recommendations relative to improvements of the  
5 administration and management of spending units in the executive

6 branch of state government, shall be deposited in the state treasury  
7 in a separate account therein designated state improvement fund.

8       There are hereby appropriated all moneys so deposited during the  
9 fiscal year two thousand five to be expended as authorized by the  
10 governor, for such studies and recommendations which may encompass any  
11 problems of organization, procedures, systems, functions, powers or  
12 duties of a state spending unit in the executive branch, or the  
13 betterment of the economic, social, educational, health and general  
14 welfare of the state or its citizens.

1       **Sec. 11. Specific funds and collection accounts.**-A fund or  
2 collection account which by law is dedicated to a specific use is  
3 hereby appropriated in sufficient amount to meet all lawful demands  
4 upon the fund or collection account and shall be expended according to  
5 the provisions of article three, chapter twelve of the code.

1       **Sec. 12. Appropriations for refunding erroneous payment.**-Money that  
2 has been erroneously paid into the state treasury is hereby  
3 appropriated out of the fund into which it was paid, for refund to the  
4 proper person.

5       When the officer authorized by law to collect money for the state  
6 finds that a sum has been erroneously paid, he or she shall issue his  
7 or her requisition upon the auditor for the refunding of the proper  
8 amount. The auditor shall issue his or her warrant to the treasurer  
9 and the treasurer shall pay the warrant out of the fund into which the  
10 amount was originally paid.

1       **Sec. 13. Sinking fund deficiencies.**-There is hereby appropriated

2 to the governor a sufficient amount to meet any deficiencies that may  
3 arise in the mortgage finance bond insurance fund of the West Virginia  
4 housing development fund which is under the supervision and control of  
5 the municipal bond commission as provided by section twenty-b, article  
6 eighteen, chapter thirty-one of the code, or in the funds of the  
7 municipal bond commission because of the failure of any state agency  
8 for either general obligation or revenue bonds or any local taxing  
9 district for general obligation bonds to remit funds necessary for the  
10 payment of interest and sinking fund requirements. The governor is  
11 authorized to transfer from time to time such amounts to the municipal  
12 bond commission as may be necessary for these purposes.

13 The municipal bond commission shall reimburse the state of West  
14 Virginia through the governor from the first remittance collected from  
15 the West Virginia housing development fund or from any state agency or  
16 local taxing district for which the governor advanced funds, with  
17 interest at the rate carried by the bonds for security or payment of  
18 which the advance was made.

1 **Sec. 14. Appropriations for local governments.**-There are hereby  
2 appropriated for payment to counties, districts and municipal  
3 corporations such amounts as will be necessary to pay taxes due  
4 counties, districts and municipal corporations and which have been  
5 paid into the treasury:

- 6 (a) For redemption of lands;
- 7 (b) By public service corporations;
- 8 (c) For tax forfeitures.

1       **Sec. 15. Total appropriations.**-Where only a total sum is  
2 appropriated to a spending unit, the total sum shall include personal  
3 services, annual increment, employee benefits, current expenses,  
4 repairs and alterations, equipment and capital outlay, where not  
5 otherwise specifically provided and except as otherwise provided in  
6 TITLE I-GENERAL PROVISIONS, Sec. 3.

1       **Sec. 16. General school fund.**-The balance of the proceeds of the  
2 general school fund remaining after the payment of the appropriations  
3 made by this act is appropriated for expenditure in accordance with  
4 section sixteen, article nine-a, chapter eighteen of the code.

### **TITLE III-ADMINISTRATION.**

1       **Section 1. Appropriations conditional.**-The expenditure of the  
2 appropriations made by this act, except those appropriations made to  
3 the legislative and judicial branches of the state government, are  
4 conditioned upon the compliance by the spending unit with the  
5 requirements of article two, chapter five-a of the code.

6       Where spending units or parts of spending units have been absorbed  
7 by or combined with other spending units, it is the intent of this act  
8 that appropriations and reappropriations shall be to the succeeding or  
9 later spending unit created, unless otherwise indicated.

1       **Sec. 2. Legislative intent.**-It is the intent of the Legislature  
2 that the duly appointed members of the conference committee on this  
3 bill may formulate and set forth in a budget digest recommendations  
4 for the expenditure of money appropriated by this bill after its  
5 enactment. It is the further intent of the Legislature that the

6 recommendations set forth in the budget digest are an expression of  
7 legislative intent, do not have the force and effect of law, and may  
8 not be construed to alter the lawful enactment of this bill.

1     **Sec. 3. Constitutionality.**-If any part of this act is declared  
2 unconstitutional by a court of competent jurisdiction, its decision  
3 shall not affect any portion of this act which remains, but the  
4 remaining portion shall be in full force and effect as if the portion  
5 declared unconstitutional had never been a part of the act.